

Application No. 09/921,616
Amendment dated January 17, 2006
Reply to Final Office Action dated July 18, 2005
Express Mail EV723448374US

Remarks/Arguments

The Office Action dated July 18, 2005, has been noted and its contents carefully studied. It is noted that the time to respond to this Office Action has been extended three months by separate petition to January 18, 2006. In view of the foregoing amendments and following comments, reconsideration of the rejection under 35 USC §103 is courteously requested.

Also enclosed is a Second Supplemental Information Disclosure Statement citing art cited in the corresponding PCT applications and in Office Actions issued in co-pending applications. This art had not been cited because Applicants had ceased all work on patents due to financial issues, or because Applicants only recently became aware of the art in co-pending applications. The Information Disclosure Statement is accompanied by the fee required to ensure consideration.

Initially, it is noted that the Examiner apparently overlooked the Preliminary Amendment previously filed in this application in which the claims were properly renumbered. Accordingly, in making amendments herein, Applicants have assumed the Examiner ignored the previous Preliminary Amendment, and the amendments herein are being made to the claims as originally filed, and including the change of the second claim numbered "1" to be now renumbered as claim 26, as indicated by the Examiner in the Office Action.

To facilitate the Examiner's consideration, a brief summary of discussion of the invention is presented herein.

In one aspect, the invention relates to a method for controlling content to a user which comprises tagging, as now amended, at least one datacast packet with a packet tag to enable user viewing permission, and then broadcasting the packets to at least one user terminal. In a specific implementation as recited in claim 3, the tagging comprises specifying at least one user serial number wherein the user serial number is an identification code corresponding to a particular user terminal. The packet is read if the user serial number is specified in the tag.

In an alternative aspect, a system for controlling content sent to user includes a broadcast station with at least one datacast packet in communication with the broadcast station. The at least one datacast packet has content in a packet id associated therewith wherein the broadcast station is configured to tag the packet with a packet tag to enable user viewing permission and to send the datacast packet to at least one user terminal. Yet still further as provided in claims 22

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and 23, a tuner application is associated with the user terminal configured to enable the user terminal to receive and display content on the display when the content is received from at least one datacast packet and a datacast packet has a packet id associated therewith.

In considering the invention, it is important that the claims, as now amended be properly interpreted in light of the definition to the claim terms provided in the specification. The term datacast is a well-known term in the art of television broadcasting and the invention relates to a method and system for enabling personal computers, for example, to tune, receive and display digital television, including HDTV (paragraph 15). As noted, a datacast is a known term and examples are given in paragraph 19 to include such as video-on-demand. The packets may be broadcast by radio frequency, cable or satellite.

It is respectfully urged that the invention as recited in the claims is not obvious under 35 USC §103 from the cited references, as will become more clearly evident from the following detailed discussion of the references presented herein for the Examiner's kind consideration.

U.S. Patent No. 5,655,079 to Hirasawa et al.

U.S. Patent No. 5,655,079 to Hirasawa et al. (hereinafter "Hirasawa") discloses a data transmission method for a multi-computer system in which computers are connected via a transmission line. Transmission data of a sending computer is provided with the location where the address is assigned and a content code indicating the data content is also assigned. The data is transmitted and computers, other than the sending computer, decide whether or not to accept the data according to either the address or the content code (Abstract).

When the Examiner cites column 3, lines 57-59 to support the proposition of broadcasting television signals, this is simply an incorrect interpretation of the reference. All that section of the patent refers to is how the data, which is a data message and in which the term broadcast is improperly interpreted in light of Applicants' invention, and relates only to how the data is arranged for transmission over the transmission line from a sending computer to a receiving computer.

In the case of the system of Hirasawa, each of the computers reads the data message into an input buffer via its interface. A selecting processing function checks the head part of the read data message such as the group address or the destination address and if the address does not

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match, it is deleted. If the address does match, it is then transferred to a processing function for data messages having content codes. The content code is then checked and if there is no match, it is deleted. If the code does match, the reception is finished and the processing function returns a processing response to the source (column 5, lines 30-67).

Hirasawa refers to "broadcasting" in a broad sense as in broadcasting data over a closed IP network. In Hirasawa, it is clear that the concept is of one-to-one transmission of data over the closed IP network (column 9, lines 40-49). Applicants' invention clearly requires broadcasting to many terminal and as properly interpreted, a central television broadcast facility transmits the same signal to an infinite number of receivers.

In this light, it is believed that the amendment to the claims to refer to a datacast clearly distinguishes over the references because a datacast is not a generalized computer network term. Instead, datacast refers to the broadcasting of internet protocol encapsulated data over a wireless digital television radio frequency. As such, the teachings of Hirasawa are not applicable to Applicants' claimed invention and it is only after an improper hindsight interpretation of the reference that the Examiner has been able to arrive at the rejection.

U.S. Patent No. 5,548,646 to Aziz et al.

U.S. Patent No. 5,548,646 to Aziz et al. (hereinafter "Aziz") merely discloses a system for automatically encrypting and decrypting data packets sent from a source host to a destination host across a public internetwork. A tunneling bridge is positioned at each network and all packets transmitted are intercepted at a point where they are being transmitted to or from their associated network. Tables at the tunneling bridge indicate pairs of hosts or pairs of networks between which packets, should be encrypted to ensure that information is secure when transmitted over non-secured networks.

In this regard, Applicants' invention has nothing to do with bridging networks. In accordance with the invention, matching criteria tagged onto the datacast packet is utilized before rendering any data, audio and/or video at an end user device.


It is clear that both of the cited references fail to refer to packets or datacast packets via a terrestrial data television radio frequency network. As such, even if combined, the combined teachings of the references fail to render obvious Applicants' claimed invention.

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For the foregoing reasons, it is respectfully urged that all of the claims as now amended clearly define patentable subject matter under 35 USC §103 and that the application should be allowed. Nonetheless, should the Examiner still have any comments, questions or suggestions of a nature necessary to expedite prosecution of the application or to place the case in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Dated: January 17, 2006

Respectfully submitted,



A. José Cortina, Reg. No. 29,733
Daniels Daniels & Verdonik, P.A.
P.O. Drawer 12218
Research Triangle Park, NC 27709
Voice 919.544.5444
Fax 919.544.5920
Email jcortina@d2vlaw.com

Enclosures

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